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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,125

06/07/2006

Matthias Bergmann

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1773

23371 7590 09/07/2010  
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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,125	<b>Applicant(s)</b> BERGMANN ET AL.	
	<b>Examiner</b> JAMARA A. FRANKLIN	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Acknowledgement is made of the amendment filed on 5/24/10. Claims 1-19 are currently pending.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. (US 4,765,656) (hereinafter referred to as 'Becker') in view of Stephenson (US 6,853,412).

Becker (as cited by the applicant) teaches

regarding claim 1,

a data carrier (identification card 1) into which, by a laser beam (laser beam 9), identifiers (user related data 2, 3) are introduced in the form of patterns, letters, numbers or images that are visible due to local changes in the optical properties of the data carrier, effected by the laser beam and resulting from material transformations, characterized in that:

the data carrier comprises a laser-sensitive recording layer (core layer 6) that is transparent in the visible spectral range and that is provided with a surface relief in the form of a lens grid (lenses 15), such that the identifiers are introduced with the laser beam from different

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directions through the lens grid into the recording layer and are perceptible when viewed from those same directions (col. 7, lines 25-36);

the data carrier according to claim 1, characterized in that the changes in the optical properties of the data carrier are visible in transmitted light;

the data carrier according to claim 1, characterized in that the changes in the optical properties of the data carrier are visible in reflected light;

the data carrier according to claim 1 characterized in that the lens grid comprises cylindrical lenses or spherical lenses (col. 6, lines 45-47);

the data carrier according to claim 1 characterized in that the recording layer is formed by a non-self-supporting layer of a thickness of about 1 micrometers to about 800 micrometers (fig. 2a and col. 7, lines 21-24);

the data carrier according to claim 1 characterized in that the recording layer is disposed in the interior of the data carrier;

the data carrier according to claim 1, characterized in that the identifiers comprise personal data, including a signature, a birth date, or a portrait (fig. 1);

the data carrier according to claim 1 characterized in that the identifiers comprise data relating to the data carrier, including a validity period, a card number, or information about the issuing authority or institute (fig. 1);

the data carrier according to claim 1 characterized in that the identifiers are present in screened form, the grid elements preferably being formed by rod-shaped pixels (col. 3, lines 58-68);

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the data carrier according to claim 1 characterized in that the identifiers that are perceptible from different directions are present nested within each other in the recording layer;

the data carrier according to claim 1 characterized in that the data carrier exhibits an at least partially transparent main body, in or on which the recording layer and the lens grip are disposed (col. 5, lines 58-64);

the data carrier according to claim 1 characterized in that the data carrier exhibits, in addition to the identifiers, black-and-white or colored impressions or further laser inscriptions (fig. 8);

the data carrier according to claim 1 characterized in that the data carrier is provided with one or more further security features, especially with luminescent, magnetic or electrical substances, or with optically variable structures, such as holographic structures (fig. 8);

the data carrier according to claim 1 characterized in that the data carrier constitutes a value document, including a banknote or an identification card (fig. 1);

the data carrier according to claim 1 characterized in that the data carrier constitutes a security element for application to a value document, including a banknote or an identification card (fig. 1); and

a value document, such as a banknote, identification card or the like, having a value document substrate having a window area or hole that is covered on one side or on both sides with a security element according to claim 15.

Becker lacks the teaching of the data carrier being transparent.

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Stephenson teaches a data carrier (transaction card 12) into which identifiers are introduced wherein the data carrier is transparent at least in the area of the introduced identifiers (col. 4, lines 41-44).

One of ordinary skill in the art would have readily recognized that providing the Becker invention with a data carrier which is transparent at least in the area of the introduced identifiers would have been beneficial as a design expedient chosen by the card creator for aesthetically pleasing purposes or for the functional purpose of making the information printed onto the card more visually discernable. Therefore it would have been obvious at the time the invention was made to modify the teachings of Becker with the aforementioned teaching of Stephenson.

### ***Response to Arguments***

3. Applicant's arguments with respect to the rejection(s) of claim(s) 1-19 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Becker in view of Stephenson as previously indicated.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/  
Primary Examiner, Art Unit 2876

September 02, 2010  
JAF